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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,869	10/04/2005	Toshiyasu Higuma	018760-022	2255

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BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

EXAMINER	
RECEK, JASON D	
ART UNIT	**PAPER NUMBER**
2142	

NOTIFICATION DATE	DELIVERY MODE
02/08/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com
debra.hawkins@bipc.com

Office Action Summary	Application No.	Applicant(s)	
	10/529,869	HIGUMA ET AL.	
	Examiner	Art Unit	
	Jason Recek	2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 November 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *01 April 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *4 October 2005*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This is in response to the election filed on November 19th 2007 which concerns application 10/529,869.

Election/Restrictions

1. Applicant's election without traverse of claims 1-16 in the reply filed on November 19th 2007 is acknowledged.

Status of Claims

Claims 1-16 are pending.

Claims 17-34 have been cancelled.

Information Disclosure Statement

2. The information disclosure statement filed October 4th 2005 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each publication listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered.

Specification

3. The abstract of the disclosure is objected to because it is longer than 150 words. Correction is required. See MPEP § 608.01(b).

Claim Objections

4. Claim 5 is objected to because of the following informalities: the word "leas" is spelled wrong. Appropriate correction is required.

5. Regarding claim 6, it is unclear what the phrase "the apparatus communication managing means that, when the connection ..." means. Perhaps the word "that" should be replaced with "is characterized in that".

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1, 4-5, 8-9, 13 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. Claim 1 recites the limitation "the plural communication object apparatuses" in the last line. There is insufficient antecedent basis for this limitation in the claim.

9. Claim 4 recites the limitation "the communication control unit". There is insufficient antecedent basis for this limitation in the claim. Applicant should make the terms “means” and “unit” consistent throughout the claims.

10. Regarding claim 5, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

11. Regarding claim 5, the phrase "and the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "and the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

12. Regarding claim 8, the phrase "and the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "and the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

13. Claim 9 recites the limitations "the network interface means" and “the apparatus object abnormality”. There is insufficient antecedent basis for these limitations in the claim.

14. Claim 13 recites the limitation "a second specific terminal" however there is no first specific terminal mentioned. Also "a clock synchronous type/asynchronous type" is not definite because it does not state which type the claim covers. If intending to cover both types, amend the claim language to make that explicit. This correlates with “supply/non-supply of the clock signal”.

15. Regarding claim 15, the phrase "and the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "and the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

16. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

17. Claims 1 and 4-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Howard et al. U.S. 6,728,804 B1.

Regarding claim 1, Howard discloses "A communication adapter (col. 3 ln. 40-42, Fig. 1), "communication control means" as a communication module (col. 3 ln. 53-60), "communication managing means that copies and saves the apparatus object" as an adapter with memory (col. 3 ln. 45-47, Fig. 1 item 24), "makes it possible to use the connection object apparatus from the network" (col. 2 ln. 39-44), and "apparatus interface means" as a communication port that enables communication with the devices (col. 3 ln. 54-56).

Regarding claim 4, Howard discloses "an apparatus interface access unit that is usable according to a procedure common to the connection object apparatuses" as a communication port that enables communication with the devices, since the port is capable of communicating, it is inherent that it is usable with the apparatuses (col. 3 ln. 54-56, col. 4 ln. 64-67), "apparatus control access unit" that is likewise usable (col. 4 ln. 67 – col. 5 ln. 3) and "permitting/prohibiting means that permits or prohibits an access to the apparatus" as an adapter that provides means to control the device (col. 6 ln. 64 - col. 7 ln. 5), one skilled in the art would understand controlling to include permitting/prohibiting access.

Regarding claim 5, it recites some of the same language as claim 4 and that language is rejected for the same reasons. Howard also discloses "object managing means" as the apparatus understands object-oriented program code (col. 5 ln. 50-58), "state acquisition procedure setting means" as variables that may be set according to the state of a device such as light on (col. 5 ln. 59-67), "installation information managing means" as providing new program code when a new device is identified (col. 6 ln. 30-42), "network attribute managing means" as an adapter that is capable of communication on a network must have the necessary means to manage that communication (col. 3 ln. 58-62), and "network band managing means" as a communication module that handles network communication (col. 5 ln. 1-3), band management would be inherent if the network used required it (col. 4 ln. 1-9).

Regarding claim 6, Howard discloses "generates an imaginary apparatus object on the basis of a setting command" as the adapter can create an object to represent a device (col. 6 ln. 1-14), it is not necessary that the device be connected before the object is created.

Regarding claim 7, it recites some of the language from claims 4 and 6, that language is rejected for the same reasons. Howard also discloses "the apparatus communication managing means ... performs operation and setting for this imaginary apparatus and acquisition of a state" as the adapter controls the object and thus is able to perform state acquisition and setting of variables (col. 5 ln. 59-62), and "performs setting for running and stop of the apparatus object and acquisition of a state" as controlling the object (col. 6 ln. 5-14).

Regarding claim 8, it recites some of the language from claim 4, that language is rejected for the same reasons. Howard also discloses "a database that holds installation information" as memory (col. 3 ln. 42) that holds database information (col. 5 ln. 40-41), "writing/reading means" are also disclosed (col. 7 ln. 37-39).

Regarding claim 9, it recites some of the language from claim 4, that language is rejected for the same reasons. Howard also discloses "abnormality notifying means" as

a monitor function that provides monitoring information to the network (col. 7 ln. 2-4, 42-45).

Claim Rejections - 35 USC § 103

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

19. Claims 2-3 and 11-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Howard et al. U.S. 6,728,804 B1 in view of Van der Meulen U.S. 6,906,617 B1.

Regarding claim 2, Howard does not explicitly disclose "power supply managing means" or "that the communication control means limits communication according to a management state of the power supply managing means" however these are taught by Van der Meulen as a power supply managing means (col. 3 ln. 32-49, Fig. 2) and communicating only during certain periods (col. 3 ln. 60-67).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Howard by providing power management as taught by Van der Meulen for the purpose of automation. Van der Meulen teaches that monitoring power provides a user with greater control over the appliances that are connected (col. 2 ln. 1-17).

Regarding claim 3, Howard does not explicitly disclose "the apparatus communication managing means limits accesses to the apparatus object according to a management state of the power supply" however this is taught by Van der Meulen as a system which only communicates during certain power states (col. 5 ln. 12-18).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Howard by providing power management as taught by Van der Meulen for the purpose of automation. Van der Meulen teaches that monitoring power provides a user with greater control over the appliances that are connected (col. 2 ln. 1-17).

Regarding claim 11, it is a combination of claims 2 and 4, therefore it is rejected for the same reasons.

Regarding claim 12, Howard discloses "A communication adapter" (col. 3 ln. 41-42), "input/output interface" and "network interface" (col. 3 ln. 53-54, Fig. 1), "a CPU" and "storage" (col. 3 ln. 46-47, Fig. 1), "pieces of driver software for controlling hardware" as program code (col. 5 ln. 15-18), and "selects driver software corresponding to the input/output system" as identifying the device and selecting the appropriate software (col. 6 ln. 38-42). Howard does not explicitly disclose "distinguishes an input/output system for the home appliance on the basis of voltage

information supplied from the home appliance" however this is taught by Van der Meulen as monitoring the power consumption of a device (col. 3 ln. 8-13).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Howard by providing power management as taught by Van der Meulen for the purpose of automation. Van der Meulen teaches that monitoring power provides a user with greater control over the appliances that are connected (col. 2 ln. 1-17).

Regarding claim 13, it recites some of the language from claim 12, that language is rejected for the same reasons. Howard also discloses "supplies a clock signal from the communication adapter" as a device may be a personal computer system (col. 4 ln. 26-30) and depending on the type of network used (col. 4 ln. 5-10) a clock signal may be present between devices.

Regarding claim 14, it recites some of the language from claim 12, that language is rejected for the same reasons. Howard also discloses "selects driver software held by the storage on the basis of a communication frame that is sent from an electrical apparatus" as identifying a device based on communication received from it (col. 6 ln. 30-40).

Regarding claim 15, it recites some of the language from claim 12, that language is rejected for the same reasons. Howard also discloses "storage holds attribute

information" (col. 6 ln. 11-12) and "which can be monitored, controlled and set" (col. 6 ln. 66-67).

Regarding claim 16, , it recites some of the language from claim 15, that language is rejected for the same reasons. Howard also discloses "the communication adapter selects one piece of the attribute information on the basis of a communication frame sent from an electrical apparatus" as the adapter updates attribute information with information sent over the network (col. 7 ln. 33-36).

20. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Howard et al. U.S. 6,728,804 B1.

Regarding claim 10, Howard does not explicitly disclose "provides the connection object apparatuses with the abnormality information when data transmission through the network is impossible" however it would have been obvious to one of ordinary skill in the art at the time of the invention that if one line of communication is not in use (i.e., the network), another line of communication should be tried.

Conclusion

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Itoh et al. US 2002/0072391 A1 discloses a communication adapter controllable over a network.

Lee et al. U.S. 7,032,018 B2 discloses a method of controlling home appliances.

Bertsch U.S. 5,570,085 discloses an interface for an appliance to connect to a network.

Brown, Jr. et al. U.S. 5,544,036 discloses a home automation system with energy management.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Recek whose telephone number is (571) 270-1975. The examiner can normally be reached on Mon - Thurs 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason Recek
2/4/08
(571)-270-1975

ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER